

COMBINED PUBLIC NOTICE

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND 500-YEAR FLOODPLAIN FOR CRITICAL ACTION

OCEAN COUNTY

May 6, 2016

New Jersey Department of Community Affairs
101 South Broad Street
PO Box 800
Trenton, NJ 08625-0800

This Notice is related to Federal assistance provided in response to the Presidentially-declared disaster, Superstorm Sandy. This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the New Jersey Department of Community Affairs (DCA).

Per 24 CFR 58.33, and 24 CFR 55.20(b)(1), the Notice of Intent to Request Release of Funds (NOI-RROF) and the Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain and 500-Year Floodplain for critical action will be published simultaneously with the submission of the RROF. The funds are needed on an emergency basis due to a declared disaster from the impacts of Superstorm Sandy, which made landfall on October 29, 2012. As a result, the comment periods for the FONSI, NOI-RROF, and 100-Year Floodplain and 500-Year Floodplain for critical action have been combined. Commenters may submit comments to DCA and objections to the U.S. Department of Housing and Urban Development (HUD) to ensure they will receive full consideration.

REQUEST FOR RELEASE OF FUNDS

On or about May 23, 2016, the DCA will submit a request to HUD for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the New Jersey Housing and Mortgage Finance Agency (HMFA)'s Fund for Multi-Family Restoration (FRM) Program. DCA expects to fund the project using approximately \$9,520,000 of HMFA/FRM funds.

PROJECT DESCRIPTION

Application ID number: HMFA03053

Project Title: New Construction of a Multi-unit Residential Development

Location: 190 Oak Lane, Little Egg Harbor, New Jersey

The total estimated project cost is \$16,798,691, of which only \$9,520,000 will be funded through the FRM program.

The proposed project, located at 190 Oak Lane, Little Egg Harbor, New Jersey, consists of new construction of a 56-unit residential development and associated infrastructure on a 4.30-acre property site. The new construction of a multifamily housing project of greater than four units located within the floodplain is subject to 24 CFR 55.20. In addition to providing affordable housing for low to moderate income tenants, five of the units will be set aside for low income individuals with developmental disabilities, which is considered a Critical Action. The 500-year floodplain (Zones B and shaded X) is the minimum floodplain of concern for Critical Actions.

The HMFA's Fund for Restoration of Multifamily Housing (FRM) Program provides funding to qualified developers to leverage 9% and 4% low income housing tax credits, tax-exempt bonds and stand-alone financing to support the development of rental housing in affordable or mixed-income projects. Development may include new construction conversion of vacant commercial/industrial buildings, or substantial rehabilitation of inhabitable dwellings. The allocation for this activity is \$179,520,000. Additionally, \$25,000,000 of the \$179,520,000 was set aside for 4% Tax Credit and Standalone projects within the most impacted municipalities.

FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND 500-YEAR FLOODPLAIN FOR CRITICAL ACTION

This is to give notice that the DCA has conducted an evaluation as required by Executive Order 11988, Floodplain Management, in accordance with HUD regulations at 24 CFR 55.20 Subpart C, Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded with Community Development Block Grant Disaster Recovery (CDBG-DR) funds under HUD grant number B-13-DS-34-0001.

The proposed project is located at 190 Oak Lane, Little Egg Harbor, Ocean County, New Jersey. The scope of work involves the construction of 56 residential rental units which will be spread among four three-story buildings and one two-story building. Five of these units will be set aside specifically for developmentally disabled individuals. A supportive service space will be constructed and staffed by a part-time coordinator to help meet the needs of these residents. The remaining units will be provided for low to moderate income residents who were previously impacted by Superstorm Sandy. Additionally, a playground, community building, and a leasing and management office will be constructed and will be accessible to all residents. Infrastructure being developed and constructed as a part of this proposed project includes but is not limited to paved parking including handicapped spaces, paved access driveways, sidewalks, landscaping, and underground utilities.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), Map Numbers 34029C0576F and 34029C0578F, Panels 576 and 578 of 611, respectively, effective September 29, 2006, the southeastern portion and northwest corner of the site are situated within the shaded Zone X (area of moderate flood hazard usually between the limits of the 100-year and 500-year floods/500-year floodplain). The FEMA Preliminary FIRM, Map Number 34029C0576G, Panel 576 of 660, issued on March 28, 2014, and Revised Preliminary FIRM, Map Number 34029C0578G, Panel 578 of 660, issued on January 30, 2015, show that the northwest corner and the southeastern portion of the property are located partially in a shaded Zone X (0.731 acres), with the southeastern portion also being partially in a Zone AE (0.323 acres). Therefore, the proposed project is subject to 24 CFR §55.20. Furthermore, five of the units are reserved for individuals with developmental disabilities, which is considered a Critical Action. Current site plans show that the SFHA Zone AE appears to only encroach only into the proposed Stormwater Management Basin 1 at the southeast corner and a small portion of the driveway entrance with no

structures located within SFHA Zone AE. The SFHA shaded Zone X / 500-year floodplain appear to be situated entirely within the proposed residential structure at the far east and a small portion at the edge of a second structure at the southeast portion of the site. According to the NJDEP Wetlands Protection Map and field data, wetlands associated with the Tuckerton Creek Tributary are located approximately 75 feet north of the proposed project site. However, if the construction activities are conducted within the existing parcel boundaries, using best management practices, there should be no adverse impact on the wetlands and no wetland permit or transition area waiver is required.

DCA has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: 1) Construction of the multi-unit residential development and associated infrastructure in the proposed location in the floodplain, in accordance with all applicable local, state and federal floodplain requirements would include added amenities such as a playground, storm water detention basins functioning as ponds, sidewalks with landscaping, a community building for activities, and supportive service space staffed by a part-time coordinator to assist developmentally disabled residents. Additionally, as required by program guidelines for critical action projects, the entire complex will be designed to have early warning systems, emergency evacuation and relocation plans, identified evacuation routes and identification marks of past or estimated flood levels on the structures. Therefore, the project will widely benefit not only the special needs residents; it will also protect all of the other residents. Thus, funding this project would provide safe and affordable housing for the tenants, prevent future loss of life, and enhance housing opportunities for low to moderate income residents of Little Egg Harbor. This alternative meets the goal of the HMFA/FRM, which is to address the shortage of affordable mixed-income rental housing caused by the storm, and has therefore been selected. 2) Relocation of the project to a different location entirely outside the 100-year and 500-year floodplain would cost prohibitive as the site plan/layout has been finalized with design strategies that minimize impacts to floodplain, water resources and groundwater. Relocation of the project would also likely place the parcel further to the west in the outskirts of Little Egg Harbor Township and would most likely not have the utility services, such as sanitary sewage, water supply, electricity and solid waste, readily available. Most of the surrounding parcels are owned by residents, multi-family complexes and businesses and available contiguous acreage in proximity to the proposed project area is very limited. Although most of the area to the west is outside the SFHA, acquiring a similar sized parcel and relocating the project entirely outside the 100-year and 500-year floodplain would likely place the parcel further in the outskirts of Little Egg Harbor Township and would severely impair transportation needs for the residents, especially the developmentally disabled. Additionally, the parcel is only partially in the floodplain and the project was designed such that most of the project activities will occur outside the 100-year and 500-year floodplains. Moving the project to a location entirely outside the 100-year and 500-year floodplain would only provide minimal risk reduction and would not provide easily accessible, safe and affordable housing in the current community, and ultimately would not meet the goal of the HMFA/FRM. Therefore, this alternative was considered and rejected. 3) The No Action Alternative would not address the vital housing needs of the area; specifically, affordable housing for low to moderate income families and developmentally disabled individuals, particularly those previously impacted by Superstorm Sandy and would not aid in restoring multi-family housing stock in this community. Additionally, if the complex were to be constructed using other funding sources, the project would not meet the need to construct to federal standards which require the affected buildings to be protected from flood hazards and minimize risks to human life and property. Further, it would not have safeguard measures as required in a 500-year floodplain for critical actions, such as early warning systems, emergency evacuation and relocation plans, identified evacuation routes and identification marks of past or estimated flood levels on the structures. Therefore, this alternative was considered and also rejected.

DCA has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review and copying upon request at the times and location described in the Public Comments section of this notice.

The project activities will adhere to design strategies that will minimize any potential impacts to those areas within the 100-year and 500-year floodplain and to restore and preserve natural and beneficial floodplain values to the greatest extent feasible. These include a stormwater collection system that comply with the NJDEP Stormwater Management Regulations and Standards for Soil Erosion and Sediment Control and will meet or exceed all current detention infiltration and water quality requirements; a wastewater disposal conveyed to the Little Egg Harbor Municipal Authority facility; and no on-site septic systems thereby protecting on-site groundwater resources. Thus, the construction and operation of the proposed project would not result in significant adverse impacts to flood levels, flood risk, or the flow of floodwaters on the project site or surrounding areas. Under 44CFR 59, National Flood Insurance Program, flood insurance is required for projects situated within the 100-year floodplain; however, although the property boundary extends into the floodplain for the proposed project, none of the buildings appear to be situated within the boundaries of the floodplain. Therefore, flood insurance is not required. A survey should be conducted to confirm the location of the buildings in relation to the floodplain boundaries. If any proposed project activities be determined to encroach into the 100-year floodplain as a result of the survey, adoption of new FIRMs, design changes, etc., flood insurance is required to be obtained and maintained for the life of the project.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and 500-year floodplain for critical action and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains and 500-year floodplain for critical action can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains and 500-year floodplain for critical action, it must inform those who may be put at greater or continued risk.

FINDING OF NO SIGNIFICANT IMPACT

The DCA has determined that this project will have no significant impacts on the human environment. Therefore, an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the New Jersey Department of Community Affairs, Sandy Recovery Division, 101 South Broad Street, Trenton, NJ 08625-0800. The record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. or can be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on this project may submit written comments to Laura Shea, Assistant Commissioner, Sandy Recovery Division, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800 or online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/> and to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. All comments received by May 23, 2016, or fifteen (15) days from the actual date of publication, whichever is later, will be considered by DCA. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

DCA certifies to HUD that Charles A. Richman, in his capacity as Commissioner of DCA consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under the National Environmental Policy Act and related laws and authorities, and allows DCA to use CDBG-DR funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DCA's certification for a period of fifteen (15) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of DCA; (b) DCA has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58.76) and shall be addressed to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Commissioner Charles A. Richman
New Jersey Department of Community Affairs